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In re Application of :
EBERL, Heinrich A. et al. :
Application No.: 10/551,650 : DECISION
PCT No.: PCT/EP00/09843 :
Int. Filing Date: 07 October 2000 : ON PETITIONS UNDER
Priority Date: None :
Docket No.: 101795.56304US : 37 CFR 1.181 and 1.137(b)
For: INFORMATION SYSTEM :

This decision is in response to applicants' petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 21 February 2007. Applicants' have provided a copy of the petition under 37 CFR 1.137(b) that applicants claim was filed in the Office on 29 September 2005 and a copy of the date-stamped postcard for the submission. The Petition Under 37 CFR 1.137(b) is accepted as having been received on 29 September 2005. Applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

Applicants indicate that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee or oath or declaration is required.

This application is being referred to the National Stage Processing Branch of the Office of

PCT Operations for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration are required.



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